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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 ABDUL SIDDIQ,

11 Petitioner,

12 v.

13 RON VAN BOENING,

14 Respondent.

C08-593Z

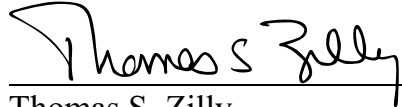
ORDER

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16 THIS MATTER comes before the Court on petitioner's motion for a certificate of  
17 appealability, docket no. 49. A certificate of appealability may issue only when "the  
18 applicant has made a substantial showing of a denial of a constitutional right." 28 U.S.C.  
19 § 2253(c)(2). For the reasons stated in Magistrate Judge Mary Alice Theiler's Report and  
20 Recommendation, docket no. 42, which the Court adopted by Order dated November 4,  
21 2009, docket no. 45, as well as in respondent's opposition to petitioner's motion for a  
22 certificate of appealability, docket no. 50, the Court concludes that petitioner has failed to  
23 make a substantial showing of a denial of a constitutional right. Accordingly, petitioner's  
24 motion for a certificate of appealability is hereby DENIED.

1 The Clerk is directed to send a copy of this Order to all counsel of record, Magistrate  
2 Judge Theiler, and the United States Court of Appeals for the Ninth Circuit.

3 IT IS SO ORDERED.

4 DATED this 4th day of February, 2010.

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7 Thomas S. Zilly  
8 United States District Judge  
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